

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CEDRICK SCOTT,

No. C 10-05218 SBA (PR)

Plaintiff,

**ORDER OF TRANSFER**

v.

WARDEN FRANCISCO, et al.,

Defendants.

Plaintiff, proceeding pro se, brings this action under Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971), complaining of deprivations of his civil rights.

When jurisdiction is not founded solely on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same State, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. See 28 U.S.C. § 1391(b).

The acts complained of occurred at the United States Penitentiary - Victorville in San Bernardino California, which lies within the venue of the Eastern Division of the Central District of California, and it appears that the Defendants reside in that district. Venue, therefore, properly lies in that district and not in this one. See id.

Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is TRANSFERRED to the Eastern Division of the United States District Court for the Central District of California. The Clerk of the Court shall transfer the case forthwith. All remaining motions are TERMINATED on this Court's docket as no longer pending in this district.

IT IS SO ORDERED.

DATED: 12/6/10

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 CEDRICK SCOTT,

5 Plaintiff,

6 v.

7 FRANCISCO et al,

8 Defendant.

Case Number: CV10-05218 SBA

**CERTIFICATE OF SERVICE**

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
10 Court, Northern District of California.

11 That on December 8, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said  
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
14 located in the Clerk's office.

15 Cedrick Scott 03169-095  
16 Federal Correctional Complex  
17 P.O. Box 5300  
18 Adelanto, CA 92301

19 Dated: December 8, 2010

20 Richard W. Wieking, Clerk  
21 By: LISA R CLARK, Deputy Clerk  
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